

Exhibit C

1 J. Cangelosi

2 MR. PETERSON: Objection as to
3 form.

4 You can answer. Go ahead.

5 A. No, not really. Construction is
6 construction. Other than the fact that you
7 are redoing the inside of a building, or you
8 are taking a building out of the ground, same
9 trades would be working on the same jobs.

10 Q. Does Local 79 have contracts with
11 companies that would, based on the definition
12 you gave before, would be considered
13 subcontractors in the construction trades?

14 A. Sure.

15 . Q. What kind of companies do you
16 have?

17 A. Masonry companies, demolition
18 companies, fireproofing companies

19 Q. Okay. Does Local 79 also have
20 contracts with construction managers,
21 companies that do construction management?

22 A. *Absolutely.*

23 Q. What are some of the companies
24 you have?

25 A. Bovis Lend Lease, Lehr &

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2 McGovern, Amec, Pavarini, Structure Tone.

3 Q. In terms of the contracts that
4 you have with construction management
5 companies, are the agreements covering
6 laborers who work directly for those
7 companies?

8 A. Say that again.

9 Q. Let me make it clearer. The
10 collective bargaining agreements that you have
11 with construction management companies, do
12 those agreements cover employees who work for
13 the construction management companies?

14 A. Absolutely.

15 Q. And that would be where you have
16 laborers employed directly by the construction
17 management company?

18 A. Absolutely.

19 Q. Can you explain what is the
20 Paymaster System?

21 A. The Paymaster System is where we
22 allow an outside company who is not signatory
23 with the Local to run payroll through another
24 company.

25 Q. For what purpose?

9

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2 A. For purpose of putting
3 representation, having men on the job
4 represented by a collective bargaining
5 agreement.

6 Q. Is the purpose of the Paymaster
7 System, tell me if I understand, a company
8 that you do not have a contract with wants to
9 employ someone who is a member of the union
10 and the person needs to get their union
11 benefits, contributions made on his behalf -

12 A. Correct.

13 Q. -- and the nonunion company that
14 is employing that person can't make those
15 contributions because they are not a
16 signatory?

17 A. Correct.

18 Q. So what they do is, by agreement
19 with the union, those people are put on the
20 payroll of a union company so that company can
21 make the contributions on their behalf because
22 it is a signatory?

23 A. Correct.

24 Q. Is that the way it works?

25 A. Yes.

12

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2 that was using a union company as a Paymaster?

3 A. Brought a grievance against the
4 nonunion company for using a Paymaster? I
5 don't understand.

6 Q. No. What I'm asking, if I
7 understood your answer before, whoever is the
8 Paymaster, you consider to be responsible for
9 that employee; is that right?

10 A. Right.

11 Q. Has the union ever brought a
12 grievance against the nonunion company?

13 A. Well, it wouldn't go against the
14 nonunion company, it would go against the
15 company handling the payroll.

16 Q. Fine.

17 A. That doesn't mean the nonunion
18 entity or the so-called contractor that isn't
19 covered isn't responsible for the action
20 causing the grievance.

21 Q. Okay. My question is: Have you
22 ever actually filed a grievance or demand for
23 arbitration against a nonunion company?

24 A. No. No.

25 Q. Okay. There are situations, I

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2 think you described earlier, where the
3 nonunion company actually is the entity that
4 wants to employ the laborer, the Local 79 man,
5 but they don't have a contract, so they are
6 put on someone else's payroll, correct?

7 A. Correct.

8 Q. What if -- what if the Paymaster
9 actually doesn't have the right to control the
10 work of that employee, what happens there?

11 A. Well, he doesn't have the right
12 to control the actions, but that contractor
13 who takes on the role of the Paymaster is
14 responsible for the laborer's jurisdiction on
15 that job. He is assuming responsibility.
16 That is made clear, that they are assuming
17 responsibility for our work on that job site
18 as long as that job is going on.

19 Q. So let me just follow through and
20 see if I understand.

21 What you are saying is that if,
22 let's say you have a nonunion company?

23 A Okay

24 Q. Okay, and you want to hire a
25 Local 78 man but obviously doesn't have

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2 A. I spoke to Wayne and I says, you
3 know, I approached Wayne about Navillus doing
4 the job and he more or less told me it's
5 Navillus but, you know, Navillus and Times
6 Square, you have to talk to Fergal and that's
7 when I started speaking to Fergal.

8 Q. Fergal, being Fergal Conefrey?

9 A. I don't really know his last
10 name.

11 Q. What were your conversations with
12 Fergal?

13 A. I spoke with Fergal a couple of
14 times being the job was at the point where the
15 first few floors of the concrete was done and
16 cleared out and 79's jurisdiction of work is
17 usually, once they are up a couple of floors,
18 we come in and handle the labor on that job.

19 Q. Okay. And --

20 A. Fergal said, that's fine. He
21 said, you need to speak to Gabriel. Gabriel
22 will handle everything.

23 Q. Did you speak to Gabriel?

24 A. Yes.

25 Q. What did he say?

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2 A. He said, I'll talk to Fergal and
3 them and see what we're going to do.

4 We kept going back and forth with
5 that for a while until Gabriel called me and
6 said, all right, he said, accepted my guy, I
7 believe, for the 29th.

8 Q. At some point, was there a
9 discussion of who was going to hire the Local
10 79 quy?

A. Gabriel was going to hire the --

12 Q. Gabriel?

13 A. Navilllus.

14 Q. Navillus was going to hire the 79
15 quy?

16 A. Yes.

17 Q. Let me just ask you this --

18 MR. COHEN: Can we have this
19 marked as -- why don't we call this
20 Cangelosi 1.

21 (Document entitled "Contractor
22 Request Report" bearing
23 production No. DEF 000133 marked
24 Plaintiff's Exhibit 1 for
25 identification, as of this date.)

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2 THE WITNESS: Can I ask him that?

3 Q. I am just asking you the
4 question.

5 A. Okay.

6 Q. For example, did, to your
7 knowledge -- and apparently, you are saying it
8 could have been Mr. Brosnan because you were
9 away when this was done?

10 A. Right.

11 Q. Would it have mattered to Local
12 79 that Navillus would be the Paymaster as
13 opposed to some other 79 contractor?

14 A. Before employment or after
15 employment?

16 Q. At the time that the union agreed
17 to provide a Local 79 person.

18 A. Right.

19 Q. That the --

20 A. If it was Navillus or Joe Schmoe,
21 at the initial point, no, it doesn't matter.

Q. It doesn't matter?

23 A. No.

24 Q. Okay. And it matters thereafter?

25 A. Yes.

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Q. Why does it matter?

3 A. Because someone took on the
4 responsibility for that job. They are locked
5 in. Whoever takes the Paymaster position on
6 that job, in their contract, it clearly states
7 they are taking that position from the start
8 of the job to the completion of the project.

9 Q. And why, if the Paymaster's
10 purpose is simply to pay the money and bear
11 the responsibility for whatever happens on the
12 job, whether they are responsible or not, why
13 does it make a difference to the union if the
14 Paymaster is switched from one Local 79
15 contractor to another?

16 A. It is just -- you know, first of
17 all if -- that's the agreement. You are
18 taking responsibility on for this job. You
19 are getting it from start to end. You are
20 vouching for this company.

21 We are not going to go back and
22 forth 1400 times when, all of a sudden, I have
23 a problem on the job and now, I am coming to
24 you and you don't want to deal with it, so you
25 are going to back out of it.

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2 You are taking responsibility
3 from here on in. You are vouching for this
4 guy. We don't know him. He obviously has
5 some relationship with you, you know him, you
6 are vouching, you are taking responsibility
7 for the job.

8 Q. Why does it make a difference
9 then in the beginning stages of who it is
10 going to be, do you have contractors that you
11 would rather be Paymaster?

12 A. No.

13 Q. It doesn't make a difference?

14 A. Doesn't make a difference.

Q. So it is for continuity purposes?

16 A. Yes, and also, because you have
17 guys, once they start playing games, then the
18 guy who is locked in, taking responsibility,
19 he says, you know what? I'm not going to
20 vouch for this guy anymore. And now, he walks
21 away and we are back to square one.

22 How many times are we going to do
23 that? Eventually, you'll be left with no
24 bargaining agreement there.

Q. Nobody from Times Square who

30

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Q. And, again, do you know who Lenny
works for?

4 A. According to Lenny, Times Square.

5 Q. Times Square?

6 A. Yes.

7 Q. Now, did there come a time when
8 you learned that Navillus didn't want to be
9 the Paymaster anymore from Mr. Albanese?

10 A. There came a point in time where
11 Nicky Albanese was given a check by someone
12 else.

13 Q. And did you have any discussions
14 with anyone from either Navillus or from Times
15 Square about that?

16 A. Um - -

17 Q. Were you around at the time?

18 A. Yes, I was there when Nicky, not
19 presently there, and Nicky called me and told
20 me someone was trying to give him a check from
21 another company.

22 Q. Did you intercede at that point?

23 A. Yes. I told Nicky, you don't
24 work for him, you can't accept a check from
25 someone you don't work for.

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2 Q. When was that?

3 A. At the very beginning of the job,
4 I thought that.

5 Q. Why was that?

6 A. Because the first permits came to
7 Navillus Construction. The total demo by A.
8 Russo Wrecking was subbed out by Navillus to
9 A. Russo Wrecking. GC subs that out.

10 I've dealt with Kieran Power back
11 in 2005, when he was working with Navillus.

12 In August of 2005, Gabriel wasn't
13 handling the manpower. For some strange
14 reason, I was referred to Kieran Power. Wayne
15 Murphy told me they were the same company.

16 Q. Wayne Murphy told you?

17 A. It is Navillus but, you know, he
18 said Times Square and Navillus are the same
19 company. I work for them.

20 Q. Did he say he was on both
21 companies' payrolls?

22 A. No.

23 Q. When did he tell you that they
24 are the same company? Wayne Murphy?

25 A. First day I met Wayne on the job